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on Merchant Marine and
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To establish load-lines for
certain vessels. Oct. 1, 1919

66 Cong. 1 sess.





Class _____

Book _____



TO ESTABLISH LOAD LINES FOR CERTAIN VESSELS

HEARINGS

BEFORE THE

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

FIRST SESSION

ON

H. R. 3621

WEDNESDAY, OCTOBER 1, 1919



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COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

HOUSE OF REPRESENTATIVES,

SIXTY-SIXTH CONGRESS.

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WILLIAM B. BANKHEAD, Alabama.

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LOAD LINES FOR CERTAIN VESSELS.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Wednesday, October 1, 1919.

The committee met at 10.30 o'clock a. m., Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. We have under consideration this morning H. R. 3621.

Mr. SCOTT. The proceedings will be regulated to suit the convenience of the gentlemen present. I understand Commissioner Donald and Mr. Chamberlain are both very anxious to be heard as soon as they can, in order that they may get away.

Mr. ALEXANDER. I would suggest that Mr. Chamberlain be heard first, as he has given this question a great deal of consideration for many years past.

Mr. SCOTT. All right.

STATEMENT OF MR. EUGENE TYLER CHAMBERLAIN, COMMISSIONER OF NAVIGATION, DEPARTMENT OF COMMERCE.

Mr. CHAMBERLAIN. I shall be very brief, Mr. Chairman. I think this subject is more or less familiar to most of the committee. There have been various efforts to action in this line for some years past, beginning in 1914, so far as I recall it, when there was a suggestion, immediately after the International Conference on Safety of Life at Sea, which dealt only with passenger ships, of a future international conference to consider load line and other matters relating to cargo ships, which had not been taken up at that conference. We tried to get an appropriation for the purpose and failed, and we tried again and failed. But that is not material now and there is no use to cry over spilt milk in this or other matters, because the war came along and it would not have been possible to have done anything anyway.

A brief bill was introduced last year which in my judgment would have accomplished the essential purposes of this act, namely, to get a start; because, after the start has been made, it is going to take a long time to get the system into actual operation. But that also went by the board. This bill is substantially one that was introduced at the last session of Congress, but for want of time did not pass.

The purpose of the bill is twofold: First, to insure the greater safety of cargo boats and those aboard of them, their crews; and second, to bring about equality of terms in competition. Because of course the extent to which the vessel is loaded and earns freight

affects not only the owner of that ship but all other ships. In other words, if ships are not loaded safely, the unscrupulous man, for the time being at all events, is at an advantage over the scrupulous observer of the principles of safety. That is a justification and pretty nearly the only justification for government interference in a matter of this kind.

It has been approached very gradually, not only here but abroad as well, and the general conclusion has been justified, I think, in principle as well as by experience, that it is necessarily a subject where the Government should intervene and exercise a regulatory power.

The method of carrying out the bill is rather simple. It is to put a mark on the side of the ship indicating the point to which it may safely be loaded; that mark varying, of course, with the trade, with the nature of the waters in which the ship is making its journey, and also with the season of the year, which, of course, affects the safety of navigation. The method followed in this bill is substantially the method which has been in successful operation in the United Kingdom for quite a number of years—since 1890, or thereabouts—I will not take the time to read it, but perhaps it would add to the interest of the matter if I have inserted, later on toward the end, an extract from the report of the British load-line committee, of December, 1915, which is just a few pages summarizing what they have done in that country.

The CHAIRMAN. There will be no objection to that.

(The summary referred to will be found at the conclusion of Mr. Chamberlain's remarks.)

Mr. HARDY. As I understand it, we have no load-line regulations?

Mr. CHAMBERLAIN. None whatever.

Mr. HARDY. And the Steamboat Inspection Service can prescribe none?

Mr. CHAMBERLAIN. None whatever. We did have, in 1891, this law:

The owner, agent, or master of any inspected seagoing steam vessel, or sail vessel, shall indicate the draft of water to which he shall deem his vessel safe to be loaded for the little trade she is engaged in, which as indicated shall be stated in the vessel's certificate of inspection, and it shall be unlawful for such vessel to be loaded deeper than stated in said certificate.

You see, it read "The owner, agent, or master of any inspected seagoing steam vessel, or sail vessel, shall indicate the draft of water to which he shall deem his vessel safe to be loaded in the trade she is engaged in." Of course I do not need to explain to you gentlemen, with your broad vision, just exactly what that amounted to. It amounted to nothing, because one owner would consider it safe to load his vessel to a certain depth and another owner would say, "Oh, well, I can not get enough out of it at that; I will put my mark higher; I will load deeper."

Mr. HARDY. It amounted to the owner loading all he wanted to?

Mr. CHAMBERLAIN. It amounted to that, and, in fact, he can do that now. I do know how that act came about, but that is all ancient history and of no account now. That was practically an adaptation of the early British law. The agitation in Great Britain started in the same way and an act of that kind was passed and lasted for some years, as you will find in that little digest I submit. The

upshot of it was some owners, to show the absurdity of the legislation, marked their load-line mark on the funnels, which, of course, was quite possible under the statute. That continued for some years and then they did go to work, Lloyds on the one hand and the Board of Trade on the other. They worked separately at first and afterwards conjointly, as it is proposed to work in this bill with the American Bureau of Shipping, with Commander Taylor, and tables of freeboard, as they were called, were devised, and many shipowners voluntarily came into that system, which was subsequently made a statute, as it is hoped this present Congress will do in this case.

Mr. HARDY. Made a statute by Great Britain?

Mr. CHAMBERLAIN. Made a statute by Great Britain. That is all covered in detail in that little statement I left there. Incidentally, you may care to have the British law, which I will also include.

(The summary of the British law referred to will be found at the conclusion of Mr. Chamberlain's statement.)

Now, if that is enough for the general scope of the bill, I would like to go to the particulars.

Mr. ALEXANDER. These lines, what are they called, that you propose to put on the vessels?

Mr. CHAMBERLAIN. Load-line marks.

Mr. ALEXANDER. But they have some name in the trade?

Mr. CHAMBERLAIN. Oh, they used to be called—they are familiarly called in Great Britain the Plimsoll mark. They are called the Plimsoll mark on account of the fact that Mr. Plimsoll agitated the subject a great deal and he was instrumental in getting that first act passed, which, as I say, was a start.

Mr. EDMONDS. We could call this the Alexander mark?

Mr. CHAMBERLAIN. Certainly.

Mr. ALEXANDER. As indicating the one who originated it, they are referred to as Plimsoll lines?

Mr. CHAMBERLAIN. They are called Plimsoll marks.

Mr. BANKHEAD. What is the character of this mark?

Mr. CHAMBERLAIN. It is painted on the side of the ship.

Mr. BANKHEAD. Just a line around the hull of the ship?

Mr. CHAMBERLAIN. Oh, no. It is painted on the side of a ship—here is an illustration of the marks.

Mr. KINCHELOE. You started to say here you wanted the enactment of this bill for two main reasons. You gave one as safety, and I did not understand what the other one was, if you gave it.

Mr. CHAMBERLAIN. Equality of terms of competition in the trade, so that all vessels run on the same basis. You see, that is a very important matter.

Mr. ALEXANDER. What effect does it have on the insurance of the vessel? Is it of any benefit as regards marine insurance?

Mr. CHAMBERLAIN. Oh, of course.

Mr. CROWTHER. It would be beneficial along those lines, too.

Mr. CHAMBERLAIN. Oh, yes; but that is a trade feature.

Mr. EDMONDS. In answer to Mr. Crowther's question, there, we have just had these insurance hearings, and it was testified here that the insurance men, as a matter of petition, were in favor of the load line. In the argument in the committee it was brought out—

whether it was in the testimony or not, I am not sure; but in talking it over—the load line prevents a man from overloading his ship and therefore would be a benefit in connection with the insurance, because you would never have to investigate the present condition of the ship nor expect it to be in any other but the proper shape and if the registry of the ship shows the ship itself is in proper shape the insurance man would know that ship could not be loaded to a dangerous point.

Mr. HARDY. Just one matter I would like to know: I think we all understand the reasons for the load line. What arguments do the opposition to any regulation make against the prescription by law of a load line? What is the basis of opposition to such legislation?

Mr. CHAMBERLAIN. I did not know there was any particular opposition to this legislation—not to my knowledge.

Mr. HARDY. If at all desired, it is strange it has never been passed.

Mr. CHAMBERLAIN. I do not think so.

Mr. CHINDBLOM. I suggest if there is anybody here in opposition, that we let them speak.

The CHAIRMAN. Let us ask the opposition if there is anybody here opposed to the bill.

Mr. SCOTT. It might be well to bring that out at this point.

Mr. ALEXANDER. There ought to be a reason shown for the legislation.

Mr. SCOTT. I understand all the maritime nations of the world have some kind of a load-line law. Great Britain has a load-line law—Norway, Sweden, and Germany?

Mr. CHAMBERLAIN. Yes, Great Britain.

Mr. SCOTT. Does Japan have a load-line law?

Mr. CHAMBERLAIN. They are preparing a bill now. I had a letter only day before yesterday from Tokyo, from a man who has an office there corresponding to mine, and he asked what we were doing on the subject and said he would send me a copy of his bill as soon as it was introduced.

Mr. EDMONDS. Every large nation, excepting the United States and Japan, has a load-line law, I think.

Mr. CHAMBERLAIN. That is pretty broad.

Mr. EDMONDS. Germany has it and France has it.

Mr. CHAMBERLAIN. Germany is not on the sea any more. The United Kingdom has it, and the French have adopted the British tables.

Mr. HARDY. Has Canada a load-line law?

Mr. CHAMBERLAIN. My recollection is they work under the British rules. I am not sure that they have a separate law.

Mr. HARDY. I understand their legislation is entirely independent from Great Britain.

Mr. CHAMBERLAIN. Oh, absolutely; but I say I think they work under the British rules. I do not think they have any legislation, but I think their ship owners voluntarily follow the British rules.

Mr. ALEXANDER. Is it not a fact that the Board of Trade of England requires ships entering British ports to conform to their law in that respect; that is, they can not depart unless they conform to the Plimsoll law?

Mr. CHAMBERLAIN. Since 1910 their law—the British law, applied only to British ships up to 1906. In 1906 they passed this act. Their

merchant shipping act of 1906 had this clause, section 437, which is the load-line section :

* * * Shall after the appointed day apply to all foreign ships while they are within any port in the United Kingdom, as they apply to British ships, without prejudice. * * * For the purposes of this part of this act the appointed day shall be the 1st day of January, 1909.

In other words, they gave three years' notice to every nation, which, of course, is a proper and fair thing to do. They even gave longer than that. They sent us word in 1907, I think it was, that they had passed this law and that it would take effect in 1909 or 1910, and they brought it to our attention. We sent it around to all the collectors of customs. I say "we"; of course, you know the regular way, through the State Department and all that sort of thing. We sent it around to all the collectors of customs, advising them it was a matter of interest, but it did not apply to this country, because we only had the American Line ships, and the Red Star ships going to British ports. So it was not a pressing matter in this country at that time. In fact, the questions under that act never arose in this country until the second year of the war, until 1915, because we did not have any cargo ships going to the United Kingdom.

Mr. EDMONDS. Might I ask Mr. Chamberlain a couple of questions? Mr. Chamberlain, the principal opposition, as I understand it or have heard voiced, comes from men in the coastwise business?

Mr. CHAMBERLAIN. Yes.

Mr. EDMONDS. This act covers the coastwise business?

Mr. CHAMBERLAIN. I was just going to take up the bill, and that was the first point I was coming to.

Mr. EDMONDS. All right.

Mr. CHAMBERLAIN. If I can go on, I will be very brief, because I do not want to take your time.

The bill is applicable to cargo-carrying ships of 500 gross tons or over in foreign trade; that is, on the foreign voyage, by sea, which is in the foreign trade, of course. Now, that is a limitation. If the Department of Commerce is to carry it out, it certainly is as broad a limit as we would like to start with, because it is not going to be easy. A great deal of work has to be done and we must rely, as anybody would rely, on the British tables, their mathematics, just the same way as Newton discovered the law of gravitation that holds quite as good for America as for the rest of the world. And those tables will have to be used just like tables of logarithms, although we might have some questions arise as to their application. That is going to be a pretty big job, and, as I say, it only should be done to the extent we can carry it out successfully at the start.

I may as well say right here that this is going to take money and there would have to be appropriations by Congress. We have to have men who are up to this kind of work, and it is high-grade work. And while I won't attempt to make any estimate now, it ought to be perfectly well understood it would be useless to pass this bill unless Congress is going to be willing to carry it out. I speak with a little feeling on that subject, because in the last couple of weeks I have had an unpleasant experience with one committee. I have had the experience of trying to get a little money. We never had to go for a deficiency appropriation before in the last 25 years that I have been

here. You have spent billions of dollars in the building of ships, and you have got the ships, and to carry out the laws you have had for a great many years, and they are proper laws—they are laws such as every nation has—it is necessary for us to have some money, and it is very hard to get the money to carry them out. Of course, that is not the way to have a merchant marine. The ships, the tonnage, if you have money enough, you can get that, of course; but to make it a consistent and operative merchant marine you have to have the other elements that go with it.

Mr. HARDY. I wish you would be good enough to say just what is it you needed the money for that was not forthcoming to enforce our laws.

Mr. CHAMBERLAIN. I wanted a little more money to take care of the shipping commissioners' service, because the Navy has been manning, as you know, a lot of the so-called merchant ships all during the war. And now they are withdrawing their Navy crews and merchant crews are being put on, and the shipping commissioners are shipping merchant crews, and we have the same service now we had before the war and we have about three and a half times the tonnage. The work can not be done. That is all there is to it. You have to have more men. And the same thing is true of wireless; wireless ships have multiplied three times and over.

The CHAIRMAN. Just a moment. I appeared before the chairman of the Committee of Appropriations—

Mr. HARDY. It was our conversation, Mr. Chairman, that caused me to ask the question.

The CHAIRMAN. I appeared before the chairman of the Committee on Appropriations and tried to get the money Mr. Chamberlain told me he needed. We did not get what he wanted. The chairman of the committee was not willing to grant it. I undertook to get it on the floor of the House, but I failed in that.

Mr. HARDY. Mr. Greene had spoken to me about his failure to get the appropriation from the Appropriations Committee in this regard, and I wanted you to understand what he told me.

Mr. EDMONDS. The situation is such that his entire force will break down if he does not get the money.

The CHAIRMAN. He did not get the money, and we will have to go again and try to get the money.

Mr. ROWE. I think it might be well, if we can assist you at any time, if you want to appear before the committee and tell us what you need, this committee could have an influence on the Appropriations Committee, because we know more about this matter than all the members of the Appropriations Committee put together. And had we known about it in time we would have appeared before the Appropriations Committee—not only Mr. Greene, but others—and we could have prepared our case and perhaps helped you out.

Mr. CHAMBERLAIN. I relied merely on the merits of the proposition.

The CHAIRMAN. They cut it off even below what they agreed to give us.

Mr. ROWE. We will have to get an extra bill through, then.

Mr. CHAMBERLAIN. I only spoke of the matter here, because the whole thing is worthless, worse than worthless, if we do not have an

adequate amount of money to get good men—not cheap men, because you have to get good men; you have to get as good men as they have in other countries on this job, and it is not an easy job.

The bill is limited to seagoing ships on foreign voyages of 500 gross tons or over. It is made compulsory as to them. They have to do it.

I can give you an approximate idea of the number of ships that will apply to. On September 1 we had of seagoing ships of over 1,000 tons gross, 2,884—of 8,554,714 gross tons. Now, of those in the foreign trade on June 30—those are our last figures on that, because we take that quarterly—there were 2,300, of 6,300,000 tons.

MR. CHINDBLOM. Two thousand three hundred what; 2,300 ships?

MR. CHAMBERLAIN. About 2,300 ships. There are a few passenger ships included to which the act will not be applicable, but it will apply certainly to 2,000, and probably between 2,100 and 2,200. Now, that is a great many to start out with. As I say, that is all that ought to be undertaken.

MR. HARDY. I understand the bill applies to all over 500 gross tons, and the figures you read were all over a thousand.

MR. CHAMBERLAIN. I gave you both for the 500 and the thousand. Make that for seagoing ships of 500 gross tons or over. So what I said about the 2,100 was correct. And that is all that can be undertaken and all that ought to be undertaken.

MR. EDMONDS. There will be, in addition to that, during the next year, probably five or six hundred ships.

MR. CHAMBERLAIN. I think quite likely. That is up to September 1, though. The Shipping Board owned, in September, 1,377 of those, of 4,983,000 gross tons; which is, you see, rather more than half, or a little more than half—perhaps 60 per cent.

MR. BURROUGHS. These figures you are giving are simply the ships engaged in the foreign trade?

MR. CHAMBERLAIN. I said those are seagoing ships. There ought to be further deduction for those that are in the coastwise of 2,000. When I said "registered," I meant those in the foreign trade—2,200 registered for foreign trade.

Paragraph C, to take up the bill, is permissive; it provides for the extension to the coasting trade and to the Lakes at some time or other. But it is perfectly evident that there can not be, as an administrative matter—it can not be done, and done right, inside of a couple of years.

MR. HARDY. You say it is permissive; you mean it leaves it to the discretion of the executive department?

MR. CHAMBERLAIN. Of the Secretary of Commerce. Now, it is possible that there may be objection on the part of the coastwise men and the Great Lakes men. Of course, the Great Lakes introduce an entirely new scheme. There you are dealing with fresh water instead of salt water, and on account of the difference in buoyancy of the two kinds of water, you have to have different rules and everything of that kind.

THE CHAIRMAN. Would that require an amendment to this bill?

MR. CHAMBERLAIN. Oh, no; it will all work. This bill will permit of indefinite expansion, sufficient to cover the entire subject. The British mark their load lines on ships down as low as 80 tons, but

they have been going at it gradually. I think it took them ~~between~~ four and five years to mark their first 2,000.

Mr. EDMONDS. What you want to express, Mr. Chamberlain, is that this bill makes it compulsory for vessels in foreign voyages to have load lines marked; and then, as far as the coastwise and the Lakes are concerned, it is optional with the department whether to enforce it or not?

Mr. CHAMBERLAIN. Do you not think that is expressed clearly in the bill?

Mr. EDMONDS. That is what I think it means.

Mr. CHAMBERLAIN. Yes; that is what it means. Of course, if there is any doubt about it, it ought to be removed.

Mr. KINCHELOE. Why should it not be compulsory in the coastwise trade as well as in the seagoing?

Mr. CHAMBERLAIN. Because you can not do everything all at once, that is all.

Mr. KINCHELOE. I am basing it on the reason you gave for the bill.

Mr. CHAMBERLAIN. That is the reason, because we can not do it all at once. In the language of the street, you do not want to bite off more than you can chew. There is just as good reason for making it applicable to one as to the other, except there is one consideration, that in going into the British ports they have to comply with it at any rate, you know, and that strengthens the need for this in ships of that kind.

Mr. HARDY. There is another reason, too: Overseas ships are farther away from safety, and it is more essential you should hold them to safe practices than it is Lake ships or coastwise ships in anything of that sort.

Mr. CHAMBERLAIN. So far as the peril of the voyage is concerned, I expect voyages along the Atlantic coast are quite as dangerous as they are across the Atlantic or Pacific.

Mr. HARDY. But are they not more frequently in contact with other ships, and the chances of rescue are greater than they would be in going across the ocean?

Mr. CHAMBERLAIN. There may be something in that.

Mr. ALEXANDER. Most of the wrecks are in the coastwise trade.

Mr. CHAMBERLAIN. Oh, yes. The dangers are greater; the dangers are materially greater. There are more ships there, and of course they are closer to land, and you want ships to keep clear of the land.

Mr. CHINDBLOM. It would be interesting to know the difference, if you can state it in a few words, between fresh water and salt water in carrying capacity.

Mr. CHAMBERLAIN. The specific gravity of the water.

Mr. CHINDBLOM. That is all you have reference to?

Mr. CHAMBERLAIN. Yes. The second section gives the Secretary of Commerce the power to frame regulations. He is authorized to frame the regulations so far as the first two classes of ships are concerned, and it is made permissive with him in the third class, the seagoing class. The Secretary of Commerce—I do not know that I need to go into that question of the propriety of his being the officer to designate that. Commerce is the shipping department, and I suppose there is no question about that.

The next section, the third section, makes it the duty of the owner or manager to mark his ship and keep it marked in the manner pro-

posed, and then you meet the provision, which is rather new in this country, but is familiar enough in other countries, of cooperation between Government agencies and a private corporation. The load line system was worked on in Great Britain—let me read a very little of that to you :

To properly understand the alteration which was made in that year it is necessary to refer to the merchant shipping act of 1873, under which the board of trade was empowered to detain overladen ships. In attempting to use this power the board of trade found it necessary to prepare tables of freeboard for the guidance of their surveyors.

These tables of freeboard were not published until 1882, and later in the same year Lloyd's Register of Shipping also issued tables of freeboard based upon principles which were afterwards adopted by the first load-line committee, which was appointed by the board of trade in December, 1883.

That is how the Lloyds came into connection with the Government, and that connection has been continuous ever since. Of course, Lloyds is composed of scientific men who are experts on shipping questions, just as our American bureau represented by Commander Taylor and Capt. McAllister are in this country. The section provides that the Secretary of Commerce shall appoint the American Bureau of Shipping or such other corporation or association, and so forth. Now, we have only one, and that is all we need if it is a good one.

May I say right here, that one embarrassment in the past has been, with all due deference to the gentlemen connected with the American Bureau of Shipping, years ago it did not command the confidence of the maritime community to the extent to which it does at the present time, and there would have been a serious question whether it could have been intrusted with the amount of work that is necessarily imposed on it and the confidence you must have in an organization of that kind if you are going to work with it. That, however, is all in the past. Within the last few years the American Bureau of Shipping has been reorganized and put on a basis of which we all have every reason to be very proud and that helps mightily in putting the whole legislation through. That is a fact you want to consider when you inquire why we have not acted sooner in this matter.

This bureau is practically to become an agency of the Government, and I think the language does not need any particular explanation.

The penalty clauses are not put with the sections as they go along, but assembled under section 4 and following sections for convenience.

Mr. KINCHELOE. You say the Secretary of Commerce, in section 3, shall appoint the American Bureau of Shipping?

Mr. CHAMBERLAIN. Yes.

Mr. KINCHELOE. "Or such other corporation or associations for the survey and registry of shipping," and so forth, and then you say down here "*Provided, however*, That at the request of the shipowner, the Secretary of Commerce shall appoint" some one else.

Mr. CHAMBERLAIN. As to that particular ship?

Mr. KINCHELOE. Yes.

Mr. CHAMBERLAIN. That is to correspond with the British law, whereby they designate Lloyds. For example, we can assume that a Norwegian is having a ship built in the United States—and I hope they will build a great many—if they want to have their ship classed in their own bureau of shipping, which is called the *Norske Veritas*,

that gives the Secretary the power to say, so far as that ship is concerned, you can class under your own national society. It is precisely what we are asking for our bureau from foreign countries, you see.

Mr. KINCHELOE. Does not this further mean any American ship-owners?

Mr. CHAMBERLAIN. They could if they wanted to, but I do not anticipate that they will.

Mr. CHINDBLOM. But you use the word "shall" in line 23. That looks rather obligatory.

Mr. CHAMBERLAIN. What would you make it?

Mr. CHINDBLOM. May.

Mr. ALEXANDER. It is at the request of the shipowner, and if his request is not to be respected, why put it in at all?

Mr. KINCHELOE. The only point I had in mind in calling it to the attention of the commissioner was, suppose every American shipowner would have different ideas about who he wanted to appoint; you would have a conglomeration, so far as the administration is concerned.

Mr. CHAMBERLAIN. Oh, no. There are only a very few of these classification societies. There is but one in this country—the American Bureau. There are two in the United Kingdom—the Lloyds, of which you hear very often, and the British Corporation, which is, to a certain extent, made up of Scotch builders, you know, but it is of very high standing. The Norwegians have one classification society, the Norske Veritas, and the French have one, the Bureau Veritas, and the Italians have one, the Registro Navale Italiano.

Mr. SCOTT. If you will let me interrupt you right there, I think Mr. Kincheloe's question is answered in lines 4, 5, and 6, page 3. I assume the question is predicated on the possibility of the shipowner desiring to take advantage or abuse the right of election. I think it is well protected in lines 4, 5, and 6, in these words:

The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section.

Mr. KINCHELOE. Supposing that the shipowner came right back under the provision right here with a request for the appointment of somebody else?

Mr. SCOTT. The load-line mark as ultimately established must be satisfactory to the Secretary of Commerce, and if the man or concern designated by the shipowner was placing a load line contrary to the judgment of the Secretary of Commerce or some official he might designate, why, he could revoke the appointment.

Mr. KINCHELOE. Of course, my question was solely a question of the administration of the law.

Mr. ALEXANDER. I think you have overlooked the language of the proviso itself. It says:

Provided, however, That at the request of the shipowner the Secretary of Commerce shall appoint for the purpose aforesaid any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve.

So it is not at the will of the shipowner alone. He must approve the agency.

Mr. CHAMBERLAIN. Beyond that you can not establish a monopoly; it would not do—that is, it is quite foreign to the Anglo-Saxon method

of doing things. Now, as much as we respect these gentlemen and their force, nobody would say you should name one concern and give it a monopoly of this business. They will get it by their own merits. There need not be any apprehension on that score at all.

Mr. ALEXANDER. We hope to have other nations build ships in our shipyards.

Mr. CHAMBERLAIN. Yes.

Mr. ALEXANDER. And if they want their national surveyors of ships to fix the load line we should be in a position to grant that request.

Mr. EDMONDS. I think the act is so drawn as to give sufficient latitude with the power in the hands of the Secretary of Commerce to do everything to establish a load line to the satisfaction of the shipowner.

Mr. CHAMBERLAIN. Now, the penalty sections follow, and they are graded with a fair regard to the gravity of the offense. They are sections 4—section 5 is a reciprocal section. It is necessary to make our arrangements with the British and other Governments. If there is any question, of course, I can and would be glad to answer it. Sections 6 and 7—

Mr. CHINDBLOM. Those are penalties?

Mr. CHAMBERLAIN. I do not see anything except the ordinary questions.

Mr. BANKHEAD. One explanation for my own information: Section 6 requires there the master upon his departure from a port, on each particular voyage, "to enter in the official log book of such vessels (if any) a statement of the position of the load-line mark applicable to the voyage in question with reference to the actual water line at the time of departing from port." Now, what does that mean?

Mr. CHAMBERLAIN. The object of having it in the log book, is to make a permanent record of it. In case any question came up later on, you know, the log book would be preserved, and, furthermore, so that there won't be alterations.

Mr. KINCHELOE. That is a permanent mark?

Mr. CHAMBERLAIN. It is painted and permanent. Here is an illustration showing the mark. Now, once this mark is put on a ship, for example, it will be changed; it will be different for the winter time in the North Atlantic than for the summer time. Both lines, however, may be put on at one time, and then you will have it all done at once.

Mr. KINCHELOE. What connection has that with the actual water line on a particular voyage. What is the necessity for making that entry; that is what I want to know.

Mr. CHAMBERLAIN. To know how deep the ship was laden. The water line is the depth to which the ship is laden, and you want to have a record of that in the log book, to have it permanent. That is all, to have a written record taken at the time.

Mr. ALEXANDER. Now, just at this point, Mr. Chamberlain: In section 7, in subdivision C, page 6, in the penalty, it says:

If any person shall knowingly permit or cause or attempt to cause any vessel subject to this act and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place in violation of section 4 of this act.

Now, to whom does "person" refer there? "If any person shall knowingly permit or cause or attempt to cause any vessel subject to this act to depart"; who is "person" there? Later you say "being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care." Now, do you intend to enlarge the penalty clause to others than the owner, manager, agent, or master of the vessel?

Mr. CHAMBERLAIN. I want to think about that.

Mr. ALEXANDER. The same language is here on page 7, in subdivision (d), and on page 8, subdivision (e)—"If any person shall conceal, remove, alter, deface, or obliterate, or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessels pursuant to this act." In other words, as a statute it ought to say who is liable to the penalty, and not say "any person." And now "if the owner, manager, agent, or master of the vessel shall knowingly permit the vessel to depart," then the penalty ought to be vested on him; but "any person" is broader.

Mr. CHAMBERLAIN. It is any one.

Mr. ALEXANDER. In other words, a bystander who allowed the vessel to pass, in the language of the act, might be liable to the penalty. However, we can work that out.

Mr. CHAMBERLAIN. A consul might order a ship out.

Mr. ALEXANDER. Or a collector or somebody else?

Mr. CHAMBERLAIN. Yes. The owner, manager, agent, or master, of course, are usually the sources of command; but there might be others, and it occurs to me, right off, a consul might do it in some cases—might assume that in a ship of his own nation—

Mr. CHINDBLOM. Why not forbid any person from doing it; what is the harm?

Mr. CHAMBERLAIN. The Judge's point is that an innocent bystander might get into trouble.

Mr. CHINDBLOM. All right; if an innocent bystander orders a vessel out, why should he not be punished?

Mr. ALEXANDER. It does not say "order"; it says "permit."

Mr. CHINDBLOM. That is legal permission?

Mr. ALEXANDER. I suppose the language was put in there advisedly, but I want to know.

Mr. CHAMBERLAIN. It was. It was taken from some other statute, but I can not state just now. I will send you a brief statement about that.

I hope, in so far as your time and your engagements will permit, there will be prompt action on it, because this subject is very serious, really, from every point of view. It has been of late years, now that we have so many cargo ships, serious from the viewpoint of the safety of the ships. It is serious from the viewpoint of our fair and proper relations with other countries. It is serious because it is applying to what in these days when we have not anything to speak of but cargo boats, is the biggest kind of a gap in our whole system; and the sooner it is plugged up I am sure the better we will all be off.

Mr. BANKHEAD. Can you approximate the amount of money it will take to carry out the work for the first year of the organization?

MR. CHAMBERLAIN. We have to secure good expert shipping men; I should say at least two. At a stab, but I do not want to commit myself definitely to it, I should say \$50,000.

MR. BANKHEAD. I am not asking you to commit yourself to that.

MR. CHAMBERLAIN. I should say \$50,000 would be ample for the start.

MR. ALEXANDER. Should that expense be borne by the Government or the shipowner?

MR. CHAMBERLAIN. You know, years ago, Judge, we used to have a system of fees for all services of vessels, just as every country has now but the United States. Years ago Congress abolished all those fees for services to American vessels. They never were very heavy. Now that is a question of policy.

MR. ALEXANDER. You do not think there ought to be any amount specified or authorized in this bill?

MR. CHAMBERLAIN. Of charges?

MR. ALEXANDER. Yes.

MR. CHAMBERLAIN. I should not think so. As I say, that will raise the whole question of reimposition of charges on ships, and I am afraid there would be a long discussion over it.

Capt. McALLISTER. I think, so far as the Government is concerned, the only expense would be to formulate these rules, which would require the services of experts in naval architecture. From my knowledge of them, I think they would be only too glad to volunteer their services. And after the rules were promulgated the American Bureau of Shipping or any other classification society will apply the load line, in which case the vessel owner will pay; the same as you to-day get a license tag for an automobile, for which the owner pays. The American Bureau of Shipping now gets fees for applying load lines and all other classification societies. That is the principal expense.

MR. CHAMBERLAIN. Yes; that is the principal expense.

Capt. McALLISTER. I do not think there would be any great expense involved. I am sure I can almost speak for the naval architects in this country, that they would be very willing to give their services for this laudable thing, to have the rules promulgated.

MR. KINCHELOE. Has not the Government any men that can do this?

Capt. McALLISTER. Yes, sir; they have; but necessarily you want to call in outside men who deal with cargo questions.

MR. CHAMBERLAIN. This is what will be necessary if the Government stands back of these marks: It certifies they are correct, and that is in order to give them standing abroad, and it is essential there should be Government approval. Now, the way the load lines are marked in the United Kingdom (and I cite that because that is a familiar case where it was worked out after years of experience), the blue print, showing the proposed marks, is sent to the board of trade, and they are there approved before they go on, and the Government approval is on it. Now, they have a small staff of competent men; they have, I think, about seven in the British Board of Trade who look after that, and, of course, with the Government back of it, we have to have something of that kind. That is why I say we will have to have a few experts, and when I said \$50,000 I had that in mind, and I do not think that is too much.

Capt. McALLISTER. That is not overrated to the importance of the provision:

Mr. CHAMBERLAIN. No.

Mr. CROWTHER. What is the provision regarding the acceptance by these other countries of our load line? Do you anticipate any difficulty in that direction?

Mr. CHAMBERLAIN. No, sir; I do not, because I had occasion to go across this year for a few weeks this summer, and I took this, with a number of other matters, up with the authorities over there and there won't be any difficulty about that. Of course, they will take—if we back up this thing—if we pass this legislation (and it is similar to theirs), I do not expect any question.

Mr. EDMONDS. Even if the American Bureau was the agency employed mostly by the Secretary of Commerce, they would accept it.

Mr. CHAMBERLAIN. That does not have anything to do with it. There is no feeling whatever of that kind. That is one of the most unjust things and the most harmful things the persistent effort to get by the ears every other country, and for every other country to get us by the ears. I can speak, I think, for the gentlemen on the other side that there is no feeling of that kind.

Mr. EDMONDS. I presume you have seen that letter written by Mr. Hutchinson, of the Lloyds' Bureau, to Admiral Bowles?

Mr. CHAMBERLAIN. Yes, I have.

Mr. EDMONDS. I think that situation is absolutely intolerable.

Mr. CHAMBERLAIN. I do not think the situation is intolerable. I do not think the man knew how to write a letter to say what he meant.

Mr. EDMONDS. I think a man in this country representing a foreign board who would write a letter like that ought to be deported.

Mr. CHAMBERLAIN. That may be; but I do not judge national disposition and the attitude of large organizations by what some individual officer does, because we would all be in hot water all the while if we did that.

Mr. ALEXANDER. You will have a chance to revise your remarks and to put in such additional matter as you thing pertinent.

Mr. CHAMBERLAIN. Thank you.

Mr. CROWTHER. The Norwegian, Italian, and French, you speak of, the Germans being off the seas—they are in perfect harmony?

Mr. CHAMBERLAIN. The basis of the whole thing is what are called freeboard tables which—as you see, the whole system consists of two features: First, the freeboard tables, which are mathematical computations of the distance between the surface of the water and the deck of the inclosed hold of the ship; that is, the deck that is permanently closed where the water can not get in. That is the first part of it. The second part of the proposition is certain structural features of the ship which have to be solid, otherwise your mathematics do not hold good. And they have all adopted—the French, the Norwegians, and the rest of them have adopted these tables.

Mr. EDMONDS. Do you think the Secretary of State should be given some authority to work with the Secretary of Commerce in order to produce these load-line regulations?

Mr. CHAMBERLAIN. We would have to do that, at any rate. Sometimes it is a little slow, but then you can not help that.

(The papers submitted for the record by Mr. Chamberlain are as follows:)

COMPULSORY MARKING OF THE LOAD LINE.

[Extract from report of British Load Line Committee, December, 1915.]

6. The first statutory obligation to mark a load line on the sides of a vessel was contained in the merchant shipping act, 1875. This act was the outcome of the agitation against the alleged unseaworthiness of ships, with which agitation the name of the late Mr. Samuel Plimsoll was so closely associated, and the circular disk, with a horizontal line drawn through its center, which is the statutory mark, has ever since been commonly referred to as the "Plimsoll mark."

7. The merchant shipping act, 1875, was only to remain in force one year, and under it the compulsory marking of a load line only applied to foreign-going vessels. Accordingly, in 1876 a further act was passed which required the owners to place the statutory mark upon every British ship except those under 80 tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts. This mark was to indicate the maximum load line in salt water to which the owner intended to load the ship for the voyage upon which she was about to proceed.

8. It is to be observed that, although the mark was a statutory mark, its position on the sides of a vessel was determined by the owner, and it was permissible for him to alter the position at the commencement of any voyage from a port in the United Kingdom. When, however, the disk had been marked on the sides of a vessel any owner or master of a vessel who allowed the ship to be so loaded as to submerge in salt water the center of the disk was liable to a penalty not exceeding £100.

9. These provisions of the law respecting the compulsory marking of the load line remained in operation without alteration until the year 1890 in which year the law was amended. To properly understand the alteration which was made in that year it is necessary to refer to the merchant shipping act, 1873, under which the board of trade was empowered to detain overladen ships. In attempting to use this power the board of trade found it necessary to prepare tables of freeboard for the guidance of their surveyors.

10. These tables of freeboard were not published until 1882, and later in the same year Lloyd's Register of Shipping also issued tables of freeboard based upon principles which were afterwards adopted by the first load-line committee, which was appointed by the board of trade in December, 1883. This committee reported in August, 1885, that it was practicable to frame general rules concerning freeboard which would prevent overloading without unduly interfering with trade, and submitted tables of freeboard giving the maximum loading which could be permitted with safety in cargo-carrying vessels. These tables were adopted by the board of trade and, on the voluntary application of shipowners, the board of trade and Lloyd's Register of Shipping assigned load lines to vessels in accordance with the tables.

11. For nearly five years the tables of freeboard were administered in this way by the board of trade and Lloyd's Register of Shipping without any statutory obligation requiring shipowners to have their vessels marked with load lines in accordance with the tables. The application of the tables was, however, accepted, and in 1890 the merchant shipping (load line) act was passed making it compulsory for the position of the load-line disk to be fixed in accordance with the tables of freeboard used by the board of trade at the time of the passing of the act.

12. By the same act the board of trade was empowered to appoint Lloyd's Register of Shipping and any other corporation or association for the survey and registry of shipping approved by the board of trade, to approve and certify on their behalf the position of any disk indicating the load line and any alteration thereof; and, accordingly, Lloyd's Register of Shipping, Bureau Veritas, and the British Corporation for the Survey and Registry of Shipping were appointed for those purposes. These authorities, in conjunction with the board of trade, have continuously from that time performed the duty of assigning load lines to vessels in accordance with the law, and the load line assigned under the tables of freeboard to any particular ship depends, among other considerations, upon the quality and condition of the vessel at the time the assignment is made.

13. The load-line committee in recommending in 1885 the tables of freeboard which were afterwards adopted by the board of trade anticipated the necessity for subsequent modification of the tables. The following statement appeared in their report:

"We are of opinion that these tables can be adopted at least for all existing types of cargo vessels and for some years to come, without the exercise of any other discretion on the part of the officers who have to see that they are complied with than that which concerns the quality and condition of the ship. To the responsible authorities a large discretion must be allowed, viz. that of applying the tables themselves with reasonable modifications to any very exceptional vessels which may now exist or may hereafter be constructed.

"For careful as we have been to give full considerations to all actual types and sizes of vessels, we can not but admit that undue interference with trade might occasionally arise were the tables to be applied henceforth to all ships, present and future, without any exception whatever. We are well aware that the discretion which we thus regard as necessary is such as should be exercised with very great skill, care, and judgment; but we see no reason why those charged with the responsible duty of preventing the overloading of merchant ships should not have at their command all needful assistance."

14. When the statutory obligation to mark the position of the load line in accordance with the tables of freeboard was imposed this statement was not overlooked, and provision was made in the merchant shipping (load line) act, 1890, for the board of trade to approve modifications of the tables and the application thereof. It was further enacted that in approving any such modifications the board of trade should have regard to any representations made to them by the authorities appointed to approve and certify the position of the load line.

15. These provisions of the law with respect to the compulsory marking of the load line have remained in operation to the present time and are now embodied in section 438 and in section 443 of the merchant shipping act, 1894. An extension of the provisions was made by section 7 of the merchant-shipping act, 1906, which provided that the exemption of ships under 80 tons register employed solely in the coasting trade from the compulsory marking of a load line should cease so far as respects cargo-carrying steamships.

BRITISH LAW.

437. (1) Every British ship (except ships (a) under 80 tons register, employed solely in the coasting trade (b), ships employed solely in fishing, and pleasure yachts, and ships employed exclusively in trading or going from place to place in any river or inland water the whole or part of which is in any British possession) shall be permanently and conspicuously marked with lines (in this act called deck lines) of not less than 12 inches in length and 1 inch in breadth, painted longitudinally on each side amidship, or as near thereto as is practicable, and indicating the position of each deck which is above water.

(2) The upper edge of each of the deck lines must be level with the upper sides of the deck plank next the waterway at the place of marking.

(3) The deck lines must be white or yellow on a dark ground, or black on a light ground.

(4) In this section the expression "amidships" means the middle of the length of the load water line as measured from the foreside of the stem to the aft side of the sternpost.

438. (1) The owner of every British ship proceeding to sea from a port in the United Kingdom (except ships under 80 tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before the time hereinafter mentioned, mark upon each of her sides, amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disk 12 inches in diameter, with a horizontal line 18 inches in length drawn through its center.

(2) The center of the disk shall be placed at such level as may be approved by the board of trade below the deck line marked under this act and specified in the certificate given thereunder, and shall indicate the maximum load line in salt water to which it shall be lawful to load the ship.

(3) The position of the disk shall be fixed in accordance with the tables used at the time of the passing of this act by the board of trade, subject to such allowance as may be made necessary by any difference between the position of the deck line marked under this act and the position of the line

from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may be approved by the board of trade.

(4) In approving any such modifications the board of trade shall have regard to any representations made to them by any corporation or association for the survey or registry of shipping for the time being appointed or approved by the board of trade, as hereinafter mentioned, for the purpose of approving and certifying the position of the load line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in this part of this act, and such submersion shall be a reasonable and probable cause for the detention of the ship.

439. If a ship is so loaded as to submerge in salt water the center of the disc indicating the load line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in this part of this act, and such submersion shall be a reasonable and probable cause for the detention of the ship.

440 (a) (1) Where a ship proceeds on any voyage from a port in the United Kingdom for which the owner is required to enter the ship outward, the disc indicating the load line shall be marked, before so entering her, or, if that is not practicable, as soon afterwards as may be.

(2) The owner of the ship shall upon entering her outward insert in the form of entry a statement in writing of the distance in feet and inches between the center of this disc and the upper edge of each of the deck lines which is above that center, and if default is made in inserting that statement, the ship may be detained.

(3) The master of the ship shall enter a copy of that statement in the agreement with the crew before it is signed by any member of the crew, and a superintendent shall not proceed with the engagement of the crew until that entry is made.

(4) The master of the ship shall also enter a copy of that statement in the official log book.

(5) When a ship to which this section applies has been marked with a disc indicating the load line, she shall be kept so marked, or, if the mark has been altered abroad in accordance with regulations made by the board of trade for the purpose, marked with the mark as so altered, until her next return to a port of discharge in the United Kingdom.

441 (1) Where a ship employed in the coasting trade is required to be marked with the disc indicating the load line, she shall be so marked before the ship proceeds to sea from any port; and the owner shall also once in every 12 months, immediately before the ship proceeds to sea, transmit or deliver to the chief officer of customs of the port of registry of the ship, a statement in writing of the distance in feet and inches between the center of the disc and the upper edge of each of the deck lines which is above that center.

(2) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall transmit or deliver to the chief officer of customs of the port of registry of the ship notice in writing of that renewal or alteration, together with such statement in writing as before mentioned of the distance between the center of the disc and the upper edge of each of the deck lines.

(3) If default is made in transmitting or delivering any notice or statement under this section, the owner shall, for each offense, be liable to a fine not exceeding £100.

(4) When a ship to which this section applies has been marked with a disc indicating the load line, she shall be kept so marked until notice is given of an alteration.

442. (1) If any owner or master of a British ship fails without reasonable cause to cause his ship to be marked as by this part of this act required, or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the center of the disc indicating the load line; or any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, he shall for each offense be liable to a fine not exceeding 100 pounds.

(2) If any mark required by this part of this act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall for each offense be liable to a fine not exceeding 100 pounds.

443. (1) The board of trade shall appoint the committee of Lloyd's Register of British and Foreign Shipping, or at the option of the owner of the ship, any other corporation, or association for the survey or registry of shipping approved by the board of trade, or any officer of the board of trade specially selected by the board for that purpose, to approve and certify on their behalf from time to time the position of any disk indicating the load line and any alteration thereof, and may appoint fees to be taken in respect of any such approval of certificate.

(2) The board of trade may make regulations determining the lines or marks to be used in connection with the disk, in order to indicate the maximum load line under different circumstances and at different seasons, and declaring that this part of this act is to have effect as if any such line were drawn through the center of the disk; and as to the mode in which the disk and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise; and as to the mode of application for, and form of, certificate under this section; and requiring the entry of those certificates and other particulars as to the draft of water and freeboard of the ship, in the official log book of the ship, or other publication thereof on board the ship, and requiring the delivery of copies of those entries.

(3) All such regulations shall, while in force, have effect as if enacted in this act, and if any person fails without reasonable cause to comply with any such regulation made with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draft of water and freeboard of a ship, he shall for each offense be liable to a fine not exceeding 100 pounds.

(4) Where in pursuance of the regulations any such certificate is required to be delivered, a statement in writing as to the disk and deck lines of a ship need not be inserted in the form of entry or transmitted or delivered to a chief officer of customs under the provisions hereinbefore contained.

444. Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load lines on ships registered in that possession, and it appears to Her Majesty the Queen that that enactment is based on the same principles as the provisions of this part of this act relating to load lines, and is equally effective for ascertaining and determining the maximum load lines to which those ships can be safely loaded in salt water, and for giving notice of the load line to persons interested, Her Majesty in council may declare that any load line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this part of this act.

445. (1) Where the board of trade certify that the laws and regulations for the time being in force in any foreign country and relating to overloading and improper loading are equally effective with the provisions of this act relating thereto, Her Majesty in council may direct that on proof of a ship of that country having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for noncompliance with the said provisions of this act, nor shall there arise any liability to any fine or penalty which would otherwise arise for noncompliance with those provisions.

445. (2) *Provided*, That this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

MERCHANT SHIPPING ACT, 1906.

[Part 1, Safety (a).]

(1) Sections 437 to 443 of the principal act (which relate to load line), except subsections (3) and (4) of section 440, shall after the appointed day apply to all foreign ships while they are within any port in the United Kingdom as they apply to British ships without prejudice to the power of His Majesty previously to apply those provisions to the ships of any foreign country, if the Government of that country so desire, under section 734 of the principal act; and to any direction of His Majesty in council given under section 445 of the principal act in the case of ships of any foreign country in which the

regulations in force relating to overloading and improper loading are equally effective with the provisions of the principal act.

(5) For the purposes of this part of this act the appointed day shall be the 1st day of January, 1909, or such other day, not being more than 12 months later, as the board of trade may appoint; and different days may be appointed for different provisions of this part of this act and for different foreign countries.

(7) The exemption of ships under 80 tons register employed solely in the coasting trade under sections 437 and 438 of the principal act (which relate to the marking of deck lines and load lines) shall cease so far as respects steamships: *Provided*, That the board of trade may except from the provisions of this section any class of steamships so long as they do not carry cargo, and the provisions of this section shall not apply to any steamship belonging to any class so excepted.

The CHAIRMAN. I want to put in the hearing the communication I have here from the bureau of shipping.

(The communication referred to is as follows:)

AMERICAN BUREAU OF SHIPPING.

NEW YORK, July 29, 1919.

Hon. WILLIAM S. GREENE,

Chairman Committee on Merchant Marine and Fisheries,

House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: During my hearing before the Subcommittee on Marine Insurance, on the 16th instant, Mr. Edmonds suggested, in the course of the investigation, that he would be pleased to have the views of this bureau concerning the advisability and importance of the enactment of load-line legislation. I, therefore, take pleasure in submitting the following comments thereon for the consideration of your committee:

It is quite surprising that this country has not long ago had laws governing this important factor in the operation of its merchant ships. This, however, is largely attributable to the general apathy concerning merchant-marine affairs and to the logical sequence of our having but few merchant vessels in the foreign trade. Now conditions have so decidedly changed for the better, the matter of load-line fixing becomes one of the most important items of pending legislation.

It is needless to go into the history of load-line fixing or to its vital necessity in the interests of the safety of the lives of passengers and crews, as well as of the cargoes and vessels themselves, as it will suffice to state for present purposes that all great maritime nations have recognized this obligation to their peoples, with the sole exception of our own country.

Prior to our entrance into the war the Secretary of Commerce, having cognizance of such matters, made earnest efforts through a conference of ship-builders and others affected to crystallize the recognized sentiment as to the necessity of immediate action. The writer was the chairman of a committee appointed at that conference and will here state that the consensus of opinion was then, as now, that legislation should be enacted at the earliest possible time to provide a legalized American load water line before an international committee was convened on the subject, as recommended at the International Conference on Safety on Life at Sea, held at London in 1913-14. This would put the participation of the United States in such an international committee on a much stronger basis than if, as at present, when no governmental rules for the fixing of load lines are provided by law.

The bill (H. R. 3621) introduced by Representative Alexander, and now pending before your committee, will so far as legislation is concerned, admirably answer the demands at the present time. This bill is essentially the same as was introduced in the last Congress by Senator Fletcher in the Senate and by Representative Alexander in the House. In approving that bill the Secretary of Commerce said in his letter of October 19, 1918:

"The American Bureau of Shipping occupies in respect to American ships a position analogous to Lloyds Register of Shipping to British ships, the Bureau Veritas to French ships, and other classification societies toward the ships of other civilized maritime powers, respectively. The bill will enable the De-

partment of Commerce to make use of the American Bureau of Shipping and will incidentally aid in establishing the American Classification Society."

The above quotation quite clearly points out the direct interest this society has in the pending measure. The designation of this bureau to act on behalf of the Department of Commerce is in keeping with that portion of the British merchant shipping act which directs the Board of Trade to appoint Lloyd's Register of British and Foreign Shipping to act in a similar capacity for British vessels.

Your attention is particularly invited to Sec. 5 of the Alexander bill, which provides reciprocal relation with foreign countries concerning mutual acceptance of load-line fixing. The vital necessity for this section, and for expediency in the passage of the entire bill may best be illustrated by a concrete example furnished by Admiral Bowles, formerly of the Emergency Fleet Corporation, in correspondence which he had with a foreign classification society concerning the marking of load lines of the ships built by the American International Corporation. Copies of this correspondence were furnished officially to Senator Ransdell of the Senate Committee on Commerce and are appended hereto for the information of your committee in considering this proposed load-line legislation.

Briefly you will note that the direct statement is made that it would be of no use for an American classification society to fix load lines on the Hog Island ships, as they would not be recognized abroad; the only alternative suggested was to have the classification society of one of our leading maritime competitors attend to this very important function for us. I am sure that you, as well as the other members of your committee, will agree with the sentiment so tersely expressed by Admiral Bowles that "this is an intolerable situation."

I feel quite sure that your committee will recognize the importance of passing this bill at the earliest opportunity, and on behalf of this bureau I will state that the proposed legislation meets with its hearty approval, and further that so far as our participation as outlined in the bill is concerned, we have the technical talent and resources necessary for a prompt compliance with the law as soon as it may be enacted.

Very, truly yours,

STEVENSON TAYLOR,
President.

[Letter from Admiral Bowles, of the Emergency Fleet Corporation, to Senator Ransdell.]

OCTOBER 3, 1918.

Senator JOSEPH E. RANSELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to remind you of a conversation relating to the subject of load lines for vessels of the United States engaged in the foreign trade and of your interest in the subject and your willingness to consider it.

Maritime countries, and particularly Great Britain, have given for many years much attention to the subject of load-line regulations, a particularly intricate matter. Conventions have been held for the purpose of establishing international agreements upon this subject, but the United States has no law in existence governing the matter at the present time.

Regulations in force in Great Britain are those of the British Board of Trade, acting under the provisions of the merchant shipping act, 1906. Some vessels of the United States recently built have gone to foreign ports without load-line marking and have been detained for noncompliance with the local laws. At the present time the only agents whose load-line marks are recognized in the British possessions and other foreign ports are those of foreign classification societies. When the Fleet Corporation invited the American Bureau of Shipping to establish and mark load lines for the vessels building under their classification and survey a protest was made by Lloyd's Register in a letter addressed to me under date of September 11, 1918, copy of which is attached. I trust you will agree with me that this is an intolerable situation. The only means we have of establishing load lines are through the agency of foreign classification societies and in accordance with rules established by the British Board of Trade.

In addition to this situation and of great practical importance is the fact that we have in the ports of the United States no lawful means of enforcing compliance with load lines which may be established. This is a matter of importance to the safety of life and property, for the protection of which these load-line regulations have been established over many years of practice.

For the reasons given I have prepared and respectfully submit for your consideration the draft of a bill which would empower the Secretary of Commerce to establish regulations for vessels of 1,000 gross tons or over engaged in the foreign trade and the load lines and marks thereof beyond which it shall not be lawful to load such ships in salt water.

You will note that the authority granted by this bill does not extend to the coastwise trade nor to inland waterways. These trades so excluded are very difficult to deal with in this matter and should be the subject of careful future investigation.

I hope you will agree with me in the principle of placing upon the Secretary of Commerce the responsibility for the establishment of regulations, rather than to attempt it by legislation, for the reason that from time to time conditions change as new types of vessels are introduced, making the matter one of necessary adjustment from time to time.

If the whole bill meets with your approval, may I suggest that after its introduction and presumable reference to the Committee on Commerce that it be referred to the Shipping Board and the Secretary of Commerce for comment.

I feel that the matter is of immediate necessity, and this legislation should be secured as soon as possible in the interest of the protection of life and property, and particularly as the United States has now such an investment in vessels for the foreign trade.

I am inclosing herewith for your information an extract from the Annual Report to the Commissioner of Navigation for the year 1915, and also extracts from the British merchant shipping act, 1906.

Very truly, yours,

Assistant General Manager.

LLOYD'S REGISTER OF SHIPPING.

NEW YORK, September 11, 1918.

ADMIRAL BOWLES,

United States Shipping Board Emergency Fleet Corporation,
Philadelphia, Pa.

DEAR SIR: I am in receipt of your letter of the 10th instant and note that you have referred the whole subject of load lines for the vessels specified in your letter of the 29th instant to the home office for instructions, but that you have arranged with your representatives at Hog Island and the Merchant Shipbuilding Corporation to make application to the American Bureau of Shipping for the assignment of load lines in the case of the *Quistconck*, *Watowan*, and *Saccarappa*.

The case of the *Quistconck* freeboard has already been dealt with by the society, and a preliminary freeboard has already been assigned, while in the case of the *Watowan* this vessel has been measured, the final freeboard established, and the necessary instructions as to the marking of the ship issued from this office on the 24th August last.

Your action in now making application for freeboard assignment to these vessels to the American bureau is accordingly not clearly understood.

As you are aware, freeboards are a matter in which the maritime countries of the world have established international agreements whereby the load lines assigned by the recognized assigning authorities in the several countries are reciprocally accepted for vessels trading to or from the ports of the countries in question.

The American Bureau of Shipping has not been recognized as an assigning authority by any of the maritime governments, and, as far as I am aware, the freeboard which might be assigned and marked on vessels' sides by that body would not be accepted as legally defining the line to which these vessels would be permitted to load.

Presuming that the load lines determined by the American Bureau of Shipping are to be based on the British Board of Trade tables, it must be apparent that in the absence of this country having established legislation controlling the loading of ships, and in the absence of the agreement referred to above that vessels bearing load-line marks other than those of a recognized assigning authority, would most certainly be liable to serious detention in foreign ports.

It is therefore considered that the interest of the Shipping Board would be best served if the assignment of load lines to the vessels for which application has been recently made by you were left entirely to this society, and it is further suggested that in view of the far-reaching experience which this society has in this particular work that where load lines are required for vessels now being constructed for the Emergency Fleet Corporation that application should be made to this society irrespective of the classification to which these vessels have been allocated.

The advantage to the Emergency Fleet Corporation of having the minimum freeboards permissible under the tables now in force granted the various vessels of the fleet must, I feel sure, be appreciated by you, and I can assure you the services of the society's technical staff are available to you for this purpose.

I may add that according to the rulings which have been laid down in connection with the assignment of load lines, and which are recognized and accepted, applications for assignment must be confined to one and one only of the recognized authorities, and the suggestion made in your letter of the 29th ultimo as to the American Bureau of Shipping and this society agreeing on load lines to be assigned in each case, is one which the established regulations preclude this society taking any action upon apart from the consideration that the American bureau, to the best of my knowledge, has no status in the matter of freeboard assignment.

I am inclosing copy of the official form of application and would direct your attention to the paragraph which I have marked and to which reference has been made in the preceding paragraph.

Yours, very truly,

R. P. HUTCHINSON, *Secretary.*

STATEMENT OF HON. JOHN A. DONALD, COMMISSIONER, UNITED STATES SHIPPING BOARD.

Mr. DONALD. I will make a very short statement, gentlemen, and I would prefer you would ask me questions afterwards.

The CHAIRMAN. You would prefer not to be interrupted until you conclude your statement?

Mr. DONALD. Yes; I should like to state I think this bill primarily is a humanitarian one. It is going to help our sailors in going on the ocean to know that their lives are to be protected from the cupidity—possibly I should not call it that, perhaps it is too strong a term—of a shipowner who has no conscience. If they know the Government is regulating a matter of that kind (and the Lord knows we want me to go on the ocean at the present time), it is going to be a considerable help in getting our American citizens to go on the ocean, to start with.

Now, starting from that point, there is the economic view of the situation. You have all been hearing the insurance men who came down from New York give their views as to what should be done about insurance. Why, one of the most particular things that the insurance man wants to know is that the ship is seaworthy before he takes the risk. That goes without saying. And the insurance man is not always in a position to have men look out for the load line of every ship which he takes a line on, because the ship may be 100 miles away or it may be 2,000 miles away; but if he knows this load line is on the ship and it is marked by the Government and it is protected by the Government so that it is a guaranty to him, he can go about his business without the added expense of keeping a surveyor to go and see what is going on on that ship. It is as much a question of the character that has been given to the vessel as to her ability to go across the ocean as the classification society has.

You know, of course, one of the advantages of the bill is that the foreigner is not going to have any advantage over us. He is absolutely going to come under our jurisdiction at any United States port; that is to say, that the nations who have not yet adopted a load line (and there are quite a few of them left yet) will be required to submit themselves to our laws and be on the same parity. So that a Spanish vessel coming here which has no load line, and I think the Italians have no load line, will not be able to carry more cargo scientifically than what our ships can carry. That is an advantage in competition.

I have put down one or two suggestions here. This bill is nothing to the conscientious shipowner. He does not want to overload his ship. But if some man is getting into deep water financially and he has not got exactly the conscience he ought to have, he is very liable to tell the captain "You take so much."

And the captain, because he gets his employment from that shipowner, is complacent about the matter; he is not complacent, but he is compelled to do as his owner desires. I think that is something that should be regulated, so that the man who has no conscience should not get an advantage over the man who has.

Besides, we are getting to be a tremendous Nation in tonnage. We will have at the end of our period about one-fourth of the tonnage of the world, and it seems that a great Nation like ours should regulate this matter.

Mr. BURROUGHS. At the end of what period will we have that?

Mr. DONALD. At the end of our shipbuilding program we will have it.

Mr. HARDY. Which is 1921?

Mr. DONALD. Which will be about the end of next year. Now, as the result of the Plimsoll Act in England it had the effect of driving the shipowner out of the rotten ships that he used to have, and the rotten treatment he gave his crews, and what has been the result of that? That is about 30 or 40 years ago, and England has simply gone ahead, because these things were conscientious things and proper things that she has introduced, and it has put her into a better class of tonnage. And now, if we do not have load lines, why old tonnage may be put into some traders here, with no regulation, and we will suffer.

Mr. HARDY. Is there any opposition to this bill from any interests in the country?

Mr. DONALD. I have heard of none, Judge Hardy. But, anyhow, the foreign ships, mostly, get their employment either out of England or English possessions, or out of the United States: so this will put all ships on the same level that we have now.

Mr. HARDY. It seems to me this load line simply has gotten to a position where everybody wanted it but which nobody could enforce without some regulatory authority, because every individual could say, "Now, I am perfectly willing to have a load line, but my competitor will not." Consequently, you have to adopt it by law to make it go.

Mr. DONALD. That is it. Now, following England's example about a load line, the Norwegians started to get their own load line, too. They were not the principal transgressors, but they found when they

went into English ports they were interfered with by the board of trade, under the same legislation that we propose, and, therefore, it drove them under the necessity of getting their own load line.

Mr. HARDY. This just illustrates the necessity of having it applied to foreign vessels in our own ports as well as our own.

Mr. DONALD. Absolutely. We are not going to have the foreigners have any advantage over our shipowners in carrying 7,000 tons of cargo on a ship on which our shipowner can only carry 5,000.

Mr. HARDY. And the foreigner can not complain if we make the same thing applicable to our own ships.

Mr. DONALD. Certainly not.

Mr. HARDY. I think that is the whole thing in a nutshell.

Mr. DONALD. The only possible difference where our shipowner might get a slight advantage in this—and I understand he will have—is from the fact that our rules for establishing the Freeboard may be a little more scientific than the Lloyd's rules, in which case we may get a little better carrying for our ships. That will depend on the construction of the vessels and the strength, which probably should be taken charge of by a classification society.

Mr. HARDY. What classification society do you mean?

Mr. DONALD. A classification society which knows the thickness of the scantlings and every piece of that ship that is above water. because in these rules for freeboard you take into account the length of the forecastle, the cubic which is above water, the amount of the deck that is above water, even the hatch combings, which are sometimes 5 feet high and sometimes 3 feet high. That is all safety buoyancy above the water. Now, if these are made stronger in our ships than they are in the foreign vessels, that will all make for our advantage. But it is the scientific men only who can deal with these rules. and it is the classification society that knows the weights and sizes of anything that should deal with that thing.

Mr. HARDY. And under the supervision of our locally constituted authority?

Mr. DONALD. Yes. This safety buoyancy, you take the forecastle, you take the hatches, you even take the ventilators of the ship for the hold. There is a certain amount of buoyancy of the between deck and tonnage deck. Suppose you have the water level here [illustrating]. All this is above the water level, and that is what is called the safety buoyancy. It is for these men to figure accurately what the safety buoyancy is, and that is for the society, and quite properly the classification society named in this bill.

I think it is a very simple matter, gentlemen, the whole affair. I think it is something which is humanitarian, it is economic, and it is an advantage to everybody in the country that we should have proper protection both for life and property, and this certainly is one of them. It is just as necessary as your steamboat laws which are enforced by the Secretary of Commerce under Mr. Ewing—perhaps more important.

Another thing. I would like to say it is my conviction that the ships in our coasting trade should be under this law. I see you leave it to the option of the Secretary of Commerce, but I think it should be mandatory. for this reason, that a voyage, to my mind, on our coast here is just as subject to exposure as an overseas voyage. You

know that. You go from Norfolk to Boston and you are right out in the middle of the Atlantic in the wintertime, and the Lord knows we have drowned too many men in the barge business and on the schooners in the coasting trade.

Mr. HARDY. That would come up especially in our competitive trade with the interests of Canada from coast to coast, would it not? Do you know whether Canada has any load-line law or not?

Mr. DONALD. Canada, I think, is under the English laws. I think that the provisions of the Merchant Ship Act apply to Canada; I know they do in the present act.

Mr. HARDY. It might come under the temptation of our men carrying lumber from the western coast around through the canal and up the eastern coast, if we had no load-line provision applicable to them, to overload and endanger their vessels?

Mr. DONALD. Yes. Now you have touched a point as to which there certainly might be some exception.

Mr. SCOTT. That would not apply at the present time because Mr. Chamberlain says it would not be possible to inaugurate this provision for two years.

Mr. HARDY. You have heard his reason for making it discretionary in making it applicable to the coastwise trade; what do you think of that idea?

Mr. DONALD. There are one or two trades in the lumber business that might be made exception to this rule, because we have a number of schooners on the Pacific coast which load ships with about a third of their cargo under deck and two-thirds of their cargo on the great, big, broad deck. As a matter of fact, these men can load those ships and put those schooners right down to the main deck and the water comes over the main deck sometimes. Of course the combings of the hatches and so forth keep the water from going down there, but it comes over the main deck. And the idea is that the displacement of that lumber on deck keeps the seas from lodging there, and the schooner trade on the Pacific coast is pretty nearly carried on on that basis now. That is something that might be excepted.

Mr. SCOTT. I would like to ask you a couple of questions now, Mr. Donald, if I may. At the present time, the Government is operating approximately two-thirds of the ships in the transoceanic business?

Mr. DONALD. Yes.

Mr. SCOTT. Consequently if there ever was a particularly advantageous time for inaugurating this policy, it is right now when the Government constitutes a two-thirds stockholder in all our business?

Mr. DONALD. Yes. In other words, the Government ought to be conscientious enough to abide by the rules of this law, because it is a good one.

Mr. SCOTT. Yes, and set the precedent.

Mr. DONALD. Yes, and set the precedent, and be an example; that is right.

Mr. SCOTT. What would you say as to the suggested cost or appropriation incident to the administration of this act, as suggested by Mr. Chamberlain?

Mr. DONALD. I do not think it is necessary to have any appropriation at all. I think that should be borne by the shipowner, myself;

so that we, as the Shipping Board, owning two-thirds of the ships, would have to pay for two-thirds of those fees ourselves. I understand the fee necessary for this purpose is not going to be a very large one—possibly \$20 or \$25.

Mr. SCOTT. There certainly would be some additional duties placed upon the Bureau of Navigation?

Mr. DONALD. I beg pardon?

Mr. SCOTT. There certainly would be some additional duties placed upon the Bureau of Navigation if this act is passed?

The CHAIRMAN. Of the Department of Commerce.

Mr. DONALD. Oh, yes. Of course, not knowing the organization of the Bureau of Navigation of the Department of Commerce, I can not offer any suggestion on that; but I presume there will be some little extra expenses connected with that.

STATEMENT OF COMMANDER STEVENSON TAYLOR, PRESIDENT OF THE AMERICAN BUREAU OF SHIPPING.

The CHAIRMAN. Please give your name and occupation to the stenographer.

Commander TAYLOR. Commander Stevenson Taylor, president of the American Bureau of Shipping. I happen to have at present the title of Commander in the United States Naval Reserve Corps. I am the president of the American Bureau of Shipping and have been since its reorganization in 1916. And first, in that regard, may I say, Mr. Chamberlain was quite correct when he said that the American Bureau of Shipping, previous to its reorganization, was not considered strong enough to carry out the purposes as they are now being carried out. But the circumstances have changed very materially. In those days there were very few steamships sailing under the American flag. Today we have, as you are aware, some thousands of them.

Mr. ALEXANDER. Right at that point: Will you explain the organization of the American Bureau of Shipping and how it is supported?

Commander TAYLOR. The American Bureau of Shipping originally was called the American Shipmasters' Association, chartered under the laws of New York. That was in 1862. Later on they found that the American Shipmasters' Association, which was primarily formed to protect owners, so far as the officials of the ships were concerned—that the need of that organization had disappeared because the United States inspection laws took care of that part of it.

They then changed it to a classification society founded on general principles the same as the British Lloyds Registry; but it was in 1916, March 1, practically a creature of one insurance company. I had no connection with it at that time, or previous to that time, and I do not want to be put in the position of criticizing what had been done previously. I found, when I was invited to join the committee to reorganize the American Bureau of Shipping, that the particular insurance company to which I have referred was represented on that board and was very anxious to have matters brought to a better conclusion; I found the shipowners, underwriters, and shipbuilders the same. And finally, at the request of this reorganization com-

mittee, I accepted the position of president. I do not need to go into all of the details, but that is the record.

Mr. ROWE. I think we would like to know a little more in detail, that it is not a stock corporation.

Commander TAYLOR. No; I was coming to that. I was simply stating how I came into it.

Mr. ROWE. I thought you were going to stop there.

Commander TAYLOR. Oh, no; there is more to it than that.

Under the law, under its charter, it is a self-perpetuating corporation. There is no corporate stock; there are no stockholders; and therefore there are no dividends paid to any individual. It is as near an altruistic corporation as can be conceived, I think.

I had retired from business, and thought I was practically through, and it was only at the earnest solicitation of particular friends of mine who are shipbuilders, ship underwriters, and shipowners that I took hold of it. And I wish to say emphatically that the main idea I had in joining the institution at all was that there should be an American classification society and that we should assist in building up an American merchant marine, of which I have been a strong advocate for many years.

There is a board of managers, now about 40 men, composed of those different classes which I mentioned—the shipbuilders, the shipowners, and underwriters—and some Government officials, like the Engineer in Chief of the United States Navy, the Chief Constructor of the United States Navy, and we have the Commandant of the Coast Guard, and the Chief Engineer of the Coast Guard, and the Naval Architect of the Lighthouse Department representing the Government in our board of managers. And the board of managers select technical committees. There is a technical committee on naval architecture, and a technical committee on engineering, of course, and then the usual executive committees, a finance committee, and an auditing committee. In other words, it is founded on a good substantial business basis.

There had been rules prepared for the construction of ships, and I found when I took hold that these rules were antiquated and were not brought up to date. The American Bureau of Shipping had at that time, March 1, 1916, about 8 per cent of the ships building in this country, while Lloyds had between 90 and 92 per cent, and perhaps there were a few in the Bureau Veritas. Now, it was necessary to form new rules as quickly as possible. At that time I engaged a gentleman who had been a Lloyds surveyor for many years, and had been one of the principal surveyors in the port of New York, and who for reasons of his own, had resigned. I had procured his services as chief surveyor. At the same time certain friends of ours thought we should undertake to get in touch with the British corporation, which is a rival of Lloyds to some extent in Great Britain, and I was shown that in some respects the rules of the British corporation were rather more scientific and somewhat better than Lloyds.

I think since that time Lloyds have practically adopted some of the British corporation ideas, but of that I am not certain. It seemed to all the executive committee and members of our technical committee that it was wise to at once take hold of the British Corporation rules, and I sent the chief surveyor to England to see what could

be done about it, with the result that we have obtained from them their latest and most scientific rules and have practically adopted them, only changing them where it was made necessary to suit the construction in this country. We also made arrangements with the British Corporation whereby we can represent them in this country and they can represent us in Great Britain, and we can represent each other in other parts of the world. That arrangement has been recently extended to the Registro Navarle Italiano, and just recently an arrangement has been made with the Japanese classification society which is being formed. So we are endeavoring, as far as possible, to make the seagoing surveys international, and we now have the combination of the British Corporation, the Registro Navarle Italiano, and the Japanese society.

But the main idea of the American Bureau of Shipping, gentlemen, is to build up the American merchant marine, and to that end we wish to further anything that will bring about the best results for the shipbuilders, the shipowners, the underwriters, and all concerned. I see that this bill establishing a load-line mentions the American Bureau of Shipping in one or two places; but I wish it distinctly understood that no official of the American Bureau of Shipping has had anything whatever to do with the writing of this bill. All we have done is from time to time, as two or three forms, I think, of the load-line bill have come up, we have approved them simply for the purpose of getting a load line established, which to my mind and to the minds of those connected with the American Bureau of Shipping is absolutely necessary for the United States to adopt. But that has been gone into so fully by Mr. Chamberlain and Mr. Donald that I will not bother you on that subject again.

May I say there was some discussion about the construction of one of these sentences this morning, on line 23, page 2:

Provided, however, That, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping.

There was some criticism about "shall" being mandatory. I suggest the word "may" put in there would cover the same ground and be just as effective and still leave the power in the hand of the Secretary of Commerce.

Mr. CROWTHER. Is not that provided for by the clause "That at the request of the shipowner" which precedes it?

Commander TAYLOR. No.

Mr. CHINDBLOM. That makes it just as mandatory.

Commander TAYLOR. That makes it just as mandatory.

Mr. CHINDBLOM. But at the end of the sentence, in line 25, on page 2, it provides that "the Secretary of Commerce shall appoint," as suggested, "any other corporation which the shipowner may select and the Secretary of Commerce approves." Now, unless the Secretary of Commerce approves the agency or corporation or association, it is not mandatory upon him to appoint it.

Commander TAYLOR. To me it is absolutely immaterial. I do not care, you know.

Mr. CHINDBLOM. I have the same view that you do.

Capt. McALLISTER. That modifies the "shall" and makes "shall" mean "may."

Mr. CHINDBLOM. It does.

Commander TAYLOR. I do not care anything about that. I do want to raise this question, however: The word "monopoly" was used. Now, the word "monopoly," as I understand, refers to any individual or corporation that controls some business for its own benefit absolutely, to the detriment of somebody else. Now, there can be no monopoly as far as the American Bureau of Shipping is concerned in that sense, because nobody profits by any action of the American Bureau of Shipping.

Mr. CROWTHER. Where is that?

Commander TAYLOR. Mr. Chamberlain used the words "should not have a monopoly."

Mr. ROWE. I am not sure but what it ought to be left entirely to one. I am not afraid of the word "monopoly," it does not mean anything.

Commander TAYLOR. Not in this section.

Mr. ALEXANDER. In section 3 line 15, it says: "The Secretary of Commerce shall appoint the American Bureau of Shipping or such other corporation or association for the survey or registry of shipping as may be selected by him."

Commander TAYLOR. Yes.

Mr. ALEXANDER. Then the proviso states, beginning in line 21, "*Provided, however,* That, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select." And that is some other corporation or association than the American Bureau of Shipping, or other corporation or association already designated by him, subject, however, to the approval of the Secretary. It makes it very broad.

Commander TAYLOR. Very broad.

Mr. ALEXANDER. The very absence of a monopoly.

Commander TAYLOR. Yes. If it were to be a profit concern for individuals, of course, we might be selfish enough to say we wanted the whole of it. However, we have accepted every bill that has come up; we have approved every bill that has been presented and we have approved this one.

Mr. ALEXANDER. This is drawn too with very great care.

Commander TAYLOR. Now, I trust I have given you the information you would like to have about the American Bureau of Shipping, construction, and so on.

May I now go to another subject? In 1916 Secretary of Commerce Redfield invited a number of gentlemen from all parts of the United States to come to his office and discuss the question of bulkheads and load lines. There was a very large representation of the interests involved, not only from the Atlantic coast, but from the Gulf, the Lakes, and from the Pacific coast, with the result that a committee was appointed to report on the subject of bulkheads and load lines, and particularly on the load lines. On January 26, 1917, a report of progress was made, and, if you please, I will read that, because it covers some of the ground that has just been gone over and eliminates some of the ground that has been gone over:

Article 1.—Sea-going ships:

(1) As the question of determining the proper load line for various types of ocean-going vessels has been the subject of an exhaustive investigation conducted by the British authorities, and,

(2) As it appears unnecessary to repeat the same work in this country, and
 (3) As the United States is already a member of an internal congress upon this subject, which would have met before this time but for the present war in Europe, and

(4) As it is generally conceded in maritime circles that the present load lines as established by the British practice in general render the vessels safe and seaworthy, your committee therefore recommends:

(1) That the United States adopt a method for the determination for freeboard of ocean-going vessels which will give, in general, the same load line as that established by the present British practice, this method to remain in force until such time as an international commission shall be called to establish an international load line.

Mr. Chamberlain has referred to the establishment of a load line following the Plimsoll mark established in 1906. That was incorrect; it was mandatory in 1909. At the international convention on Safety of Life at Sea the British load line committee was formed to amend their rules for establishing a load line. That committee did not report until 1915, when a full report was made; but, owing to the conditions of the war and other conditions, the matter was laid on the shelf for the time being and the 1909 rules were held in force, and they are in force to-day. But it is generally understood that the 1915 rules, when adopted, will be more strict than the 1909 rules; in other words, they will increase the freeboard.

(2) As British tables at present in use are recognized as being somewhat cumbersome, they would need some revision in order to conform to the present-day American practice in shipbuilding.

Article 11—Coastwise, Lake, Bay, and Sound Vessels:

(1) As vessels engaged in the coastwise, lake, bay, and sound trade are not only operating under different conditions, but are in most cases of a different type of construction when compared with ocean-going types; and

(2) As any set of freeboard tables based upon ocean-going types would be inapplicable to such vessels; and

(3) As the preparation of such rules and tables would involve a thorough and exhaustive examination of existing vessels in order to establish what may be called the American practice in loading and operating such vessels; and

(4) As proper, just, and safe load lines can be established only after such an investigation has been made and the results carefully analyzed by proper scientific methods; and

(5) As such an investigation will necessarily take some time and involve considerable expense, the committee therefore recommends that—

(1) The present committee be continued to conduct such an investigation and that the Shipping Board be requested to appoint one or more of their number to sit with the committee in their deliberations.

(2) That a fund be established to take care of the necessary expenses involved in such an investigation.

(3) That owing to the importance which your committee attaches to such an investigation, if it be deemed improper for the board to apply any of its funds for this purpose, that the committee be authorized to take such steps as are necessary to raise such funds.

We asked from the Shipping Board \$25,000 to carry out that investigation of the local conditions around the United States. That finally got up to the Shipping Board in February and, of course, as you all know, we immediately commenced to be exceedingly busy in other directions, and this matter, like the 1915 rules in Great Britain, was laid on the shelf and is still there.

Mr. HARDY. You mean that got to the Shipping Board in 1917?

Commander TAYLOR. Yes; that was sent to them in 1917.

Mr. CHINDBLOM. But nothing has been done since?

Commander TAYLOR. Nothing. In fact, there were so many other things to do, this question of the load line had to remain in status quo.

Mr. EDMONDS. In connection with Mr. Chamberlain's testimony, I would like to say there is very complete testimony on the load line in parts 2 and 3 of the marine insurance investigation.

Mr. HARDY. Are there any interests in the country that are opposing this bill?

Commander TAYLOR. If there are I do not know it and I do not know why they should. I can not imagine any interest in this country opposing this bill as written, because it is compulsory only on the sea-going vessels and the other matter can be taken up by the Secretary of Commerce in his discretion.

Mr. HARDY. The only objection I have to it is it does not deal efficiently with the other also.

Commander TAYLOR. That can not be done, as Mr. Chamberlain has pointed out, without investigation, and very careful investigation, too. You can not do it; conditions are so different from the sea-going vessels.

Mr. HARDY. In other words, you have to know what to do before you start to do it?

Commander TAYLOR. Yes.

STATEMENT OF MR. HENDON CHUBB, OF NEW YORK, REPRESENTING THE AMERICAN INSTITUTE OF MARINE UNDERWRITERS.

The CHAIRMAN. Give the stenographer your name and state who you represent.

Mr. CHUBB. My name is Hendon Chubb. I am down here at present representing the American Institute of Marine Underwriters, under their authority.

Mr. SCOTT. And during the war—

Mr. CHUBB. During the war I was director of insurance of the United States Shipping Board and, as such, had a great deal to do with this bill at that time.

I have very little to say except that the American Institute of Marine Underwriters, which composes all the underwriters in the country, practically, both those representing American and foreign companies, are unequivocally in favor of this bill. The American Institute of Marine Underwriters of the United States, which is made up entirely of people representing American companies, passed this resolution at their meeting on September 15:

"The association desires to express its approval of the provisions for fixing load lines and freeboard, as provided in H. R. 3621 (Alexander bill) and hope that they may be enacted into law."

Now, gentlemen, the only thing is the underwriters think there is a considerable advantage from the insurance point of view to American ships to have a load water line fixed by law, because an underwriter, in insuring an American ship, is concerned with the attitude of the foreign underwriter, because she loads cargo in foreign ports. If they know they can not load below a certain water line, it gives them an assurance and, they fix their rate accordingly. And if two or three other nations have that provision, and the American does not, the natural inclination of the foreign underwriters is to say "Sometimes that boat may be overloaded," and that is right. And it is an advantage in that way. And the underwriters, knowing

the danger of overloading by unscrupulous owners (there are only a few, but it does occur), from that point of view they are in favor of this load water line also.

As to the provision as to coastwise, in section C, they believe it would be quite impossible to fix the same load water line as is fixed for the ocean. They quite recognize that. But they do believe it should be made a matter of study and broad study to have proper regulations put in effect recognizing the differences in classes of trades and differences in hazards.

Mr. EDMONDS. I just want to confirm Mr. Chubb's statement by saying that last week we had a number of the insurance officials before us and every one of them without exception is in favor of passing this bill.

Capt. McALLISTER. Mr. Chairman, I do not think there is any use of crowding any more in. I think the matter has been thoroughly covered.

(The hearing was thereupon adjourned.)

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To establish load line

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